



STATE OF NORTH CAROLINA
DEPARTMENT OF TRANSPORTATION

MICHAEL F. EASLEY
GOVERNOR

LYNDO TIPPETT
SECRETARY

**North Carolina Board of Transportation
Environmental Planning and Policy Committee
Meeting Minutes for April 4, 2006**

A meeting of the Environmental Planning and Policy Committee (EPPC) was held April 4, 2007 at 8:30 AM in the Board Room (Room 150) of the Transportation Building. Board Member Nina Szlosberg chaired the meeting. Other Board of Transportation members that attended were:

Doug Galyon
Mac Campbell
Bob Collier

Arnold Lakey
Lanny Wilson

Other attendees included:

Allen Pope
Ken Murphy
Miriam Perry
Amy Simes
Barry Moose
Berry Jenkins
Beth Neely
Ricky Greene
Bill Rosser
Daniel Keel
Don Lee
Delbert Roddenberry

Michael Dawson
Marcus Wilner
Clarence Coleman
Shannon Lasater
Sandy Nance
Mike Mills
Don Voelker
Ehren Meister
Glenn Dennison
Cheryl Teeters
Jay Swain
Jennifer Garifo

Larry Goode
Lyndo Tippet
Mike Pettyjohn
Pat Ivey
Mike Holder
Tad Boggs
Tim Johnson
Wally Bowman
Ken Pace
Steve Varnedoe
Bob Andrews

Ms. Szlosberg called the meeting to order at 8:30 AM and circulated the attendance sheet. She opened by accepting a motion to approve the meeting minutes from the February 28, 2007 committee meeting. The minutes were approved as presented.

Ms. Szlosberg noted that The Ash Institute for Democratic Governance and Innovation at Harvard University's Kennedy School of Government has announced that the Ecosystem Enhancement Program (EEP) is among the top 50 new governmental innovations in the nation. The designation qualifies EEP as a semifinalist in the 2007 Innovations in American Government Awards, in which 1,000 programs nationwide were competing. On May 2, the awards committee will select 18 finalists for site visits leading to seven ultimate winners later this year.

Ms. Szlosberg introduced Don Lee, State Roadside Environmental Engineer, to talk about initiatives underway to explore the use of advertisements on outdoor benches and bus facilities.

Mr. Lee explained advertising on highways is not a new topic; it has been discussed and debated in the past, specifically dealing with bus transit shelters and seats and also trash cans in that area. This is an issue that affects the use of DOT right-of-way, but also municipalities with their roads. He noted that they were not requesting any action; the presentation was for information purposes and to answer any questions.

Streetscaping™ is an amenity private industry is willing to supply to municipalities or NCDOT for the purpose of a canvas for advertising. Some states allow this kind of advertising through statutes. Some municipalities do not allow this for various reasons (e.g., security and safety, general aesthetics).

This type of commercial advertising is illegal in North Carolina as outlined in General Statute 136-18. In making changes and adjustments to those statutes to allow advertising has a huge ramification for the use of the right-of-way (ROW) in North Carolina. NC Administrative Code prohibits any person, firm or corporation to erect or place any advertising or other sign, except regulation traffic and warning signs approved by the DOT, on any highway or the ROW. There are safety and operations issues and content control issues.

Safety issues include crash causation, which can be linked to driver distraction in 25-50% of all highway crashes, and sign congestion (i.e., important safety and directional signs can fade into the background). There are liability issues, as far as putting these signs there. Pedestrian safety is also an issue. Restricted ROW can compromise placement of structures adjacent to and within clear recovery areas. One of the issues well documented is safety. If that area (bus shelter) is blocked or not well lit, you cannot see what is in there, so it is a security issue.

The primary issues of concern are:

- Potential traffic operations include interference with future modernization and maintenance efforts. Another question revolves around liability issues. If there are advertisements in the facility (eg, transit shelter) and there is an agreement between the municipality and the private company providing the service, and if DOT has to move, relocate or alter the facility, does DOT have to compensate the private company for future earning potential?
- Content Control and Freedom of Speech. Some of the agreements that municipalities have with private industry providing this service say they will not provide items on the signs that are inappropriate. Based on legal precedence, NCDOT may not be able to control the content of what is on the sign.
- Financial control. In most instances where there is DOT ROW and municipalities allow advertising, municipalities gain the financial benefit from it. Whether it is city right-of-way or DOT right-of-way, the funding appears to be going to the municipality that owns the

transit service. The funding appears to be \$250 a year for bus shelters and \$150 a year for benches.

Federal Highway Administration guidance says, “the right-of-way shall be devoted exclusively for public highway purposes.” The Highway Beautification Act allows advertising on the right-of-way under the LOGO system and in rest areas. Under Federal Transit Rules, there are areas (bus shelters) where advertisement is allowable by the Federal Highway Administration. NCDOT policy dated September 2004 specifically addresses how we manage bus shelters within NCDOT rights-of-way. It states, “No commercial advertising shall be allowed on bus shelters within NCDOT right of way.”

Approximate 28% of the road miles in urban areas are NCDOT ROW. Approximately 10% of the state-maintained miles are in urban areas. So, this indicates how that would impact the quantity of the miles of road that the DOT maintains.

Concerns include: non-essential visual noise in an already visually noisy environment; advertising within ROW; content, clarity and colors; message and image appropriateness; potential for distraction; enhancement considerations; and design considerations.

Ms. Szlosberg asked the committee for questions. Ms. Szlosebrg asked what the DOT policy is around bus shelters and benches in the DOT ROW that are not advertising. Miriam Perry explained that not all bus stops have shelters and benches; each transit system has its own policy on placement of shelters and benches. Ms. Szlosberg noted that lack of bus shelters and benches is a disadvantage to those who ride transit, which is what we are trying to encourage. Increased transit ridership can reduce greenhouse gases, improve congestion, etc. We want people to ride transit, but we make it unattractive by not having a place to sit or be covered. She would like to see how DOT might be able to provide those amenities to the local communities to make transit options more inviting.

Secretary Tippet asked if there is a federal program available to fund shelters. Ms. Perry answered the Federal Transit Administration allocates funds to DOT and directly to urbanized areas to purchase buses and bus shelters. There is a sharing formula involved at 80% federal participation.

Ms. Szlosberg accepted a motion to adjourn the meeting at 9:00 AM.

The next meeting for the Environmental Planning and Policy Committee is scheduled for May 2, 2007 at 8:30 AM in the Board Room (Room 150) of the Transportation Building.

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